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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,304	10/06/2003	Naoki Isogai	WEN-0023	4127

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WASHINGTON, DC 20036

EXAMINER

FANG, JERRY C

ART UNIT PAPER NUMBER

2873

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/678,304

Applicant(s)

ISOGAI ET AL.

Examiner

Jerry Fang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-10 and 12-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-5 and 7-10 is/are allowed.
- 6) ☒ Claim(s) 12-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2003 and 05 October 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: Detailed Action.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamura (US 5,706,072) in view of Fujieda (US 6,079,828).

Regarding claim 12, Kawamura discloses a transparent window for separating an inside and an outside of the apparatus (Fig. 1, 3 and Col. 3, Line 65); an examination light projecting optical system, having a first light source and being arranged on the inside, for projecting examination light onto the eye which is at an examination position in front of the window on the outside through the window (Col. 2, Lines 26-47); an examination light receiving optical system, having a photodetector and being arranged on the outside, for photo-receiving the examination light reflected from the eye which is at the examination position through the window (Col. 4, Lines 12-15); abnormal reflection detecting means for comparing an output signal level from the photodetector or the image pickup element when the first light source or the second light source is lit in a state where an reflection object is not placed in front of the window on the outside, with a reference level, and detecting abnormal reflection of the examination light or the alignment index light at the window by checking presence of the output signal level

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beyond the reference level (Col. 2, Lines 15-25); informing means for informing an operator of a detection result by the abnormal reflection detecting means (Col. 3, Lines 8-10). Kawamura fails to disclose an alignment index light projection optical system, having a second light source and being arranged on the inside, for projecting alignment index light onto the eye which is at the examination position through the window; and an alignment index light receiving optical system, having an image pickup element and being arranged on the inside, for photo-receiving the alignment index light reflected from the eye at the examination position through the window. Fujieda discloses an alignment index light projection optical system, having a second light source and being arranged on the inside, for projecting alignment index light onto the eye which is at the examination position through the window (Col. 5, Lines 2-8); and an alignment index light receiving optical system, having an image pickup element and being arranged on the inside, for photo-receiving the alignment index light reflected from the eye at the examination position through the window (Fig. 1, 11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an alignment means as taught by Fujieda, with the eye examination device of Kawamura, since as shown by Fujieda, such alignment means are commonly included in an eye examination device in order to ensure proper operation of the device by properly aligning the eye.

Regarding claim 13, Kawamura discloses wherein the abnormal reflection detecting means obtains a difference between the output signal level of the

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photodetector or the image pickup element when the first light source or the second light source is lit in the state where the reflection object is not placed in front of the window on the outside and an output signal level of the photodetector or the image pickup element when the first light source or the second light source is not lit in the state where the reflection object is not placed in front of the window on the outside, and compares the obtained difference with the reference level (Col. 1, Lines 36-46).

Regarding claim 14, Kawamura discloses wherein the photodetector includes an image pickup element (Fig. 1, 10).

Regarding claim 15, Kawamura fails to disclose a rotation unit which rotates the first light source or the second light source and the photodetector or the image pickup element in synchronization about an optical axis. Fujieda discloses a rotation unit which rotates the first light source or the second light source and the photodetector or the image pickup element in synchronization about an optical axis (Col. 4, Lines 37-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a rotation unit as taught by Fujieda, with the eye examination device of Kawamura, since as shown by Fujieda, a rotation unit is commonly included in an eye examination device in order to keep the photodetector conjugate to the eye.

3. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamura (US 5,706,072) and Fujieda (US 6,079,828) as applied to claim 12 above, and further in view of Takai (US 6,334,682).

Regarding claim 16, a modified Kawamura, as detailed in claim rejection 12 above, fails to disclose a mobile lens for changing a position conjugate with the photodetector or the image pickup element. Takai discloses a mobile lens for changing a position conjugate with the photodetector or the image pickup element (Col. 3, Lines 42-56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a mobile lens as taught by Takai, with the eye examination device of Kawamura, since as shown by Takai, a mobile lens is commonly included in an eye examination device in order to obtain image of the same eye at different position.

Allowable Subject Matter

4. Claims 1-5 and 7-10 are allowed.
5. The following is an examiner's statement of reasons for allowance: The prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the independent claim, in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in independent claim 1, with the allowable features being: the light source blinks at a predetermined high frequency, and the abnormality detection

means includes a filter circuit which transmits only a signal with a high frequency component from the light source (claim 1). Therefore, claims 1-5 and 7-10 are allowed.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

8. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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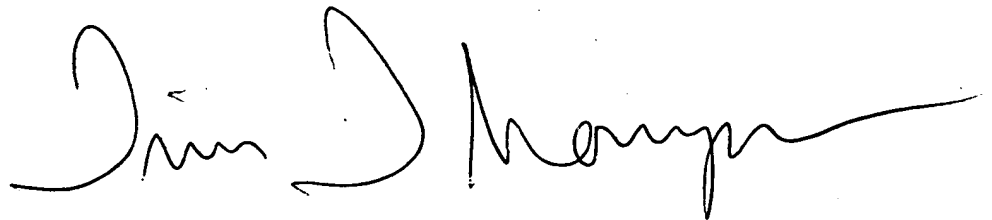
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry Fang whose telephone number is 5712726013.

The examiner can normally be reached on 10-8.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 5712722333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

J.F.
1/31/2007

A handwritten signature in black ink, appearing to read "Tim Thompson", with a long horizontal flourish extending to the right.

TIMOTHY THOMPSON
PRIMARY EXAMINER